

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

LUIS ANTONIO ORTIZ, *individually and on
behalf of others similarly situated,*

17-cv-07095

Plaintiff,

-against-

DECLARATION OF
LUIS ANTONIO ORTIZ

RED HOOK DELI AND GROCERY 2015
CORP. (D/B/A RED HOOK GOURMET DELI),
SALAL SAHID, WESSEIN SAHID, JOHN DOE
1, and JOHN DOE 2,

Defendants.

-----X

I, Luis Antonio Ortiz, declare under penalty of perjury, pursuant to 28 U.S.C. §1746, that:

1. I am the Plaintiff in the above-captioned action, and I have personal knowledge of the
matters stated below.

2. I reside in Queens County, New York.

3. I was employed by Red Hook Deli and Grocery 2015 Corp. (d/b/a Red Hook Gourmet
Deli), Salal Sahid, and Wessein Sahid ("Defendants").

4. Defendants own(ed) and operate(ed) a deli at 66 Lorraine St, Brooklyn, New York
11231 under the name Red Hook Gourmet Deli.

5. Defendants had the power to hire and fire me, control my terms and conditions of
employment, and determine the rate and method of my compensation.

6. Upon information and belief, Defendants are not incompetent persons nor infants nor
in the military service of the United States.

7. I worked for the Defendants at Red Hook Gourmet Deli from approximately August
22, 2016 until on or about October 25, 2017.

8. Throughout my employment with the Defendants, I was employed as a deli worker.

9. My duties required neither discretion nor independent judgment.

10. My work responsibilities involved handling goods that traveled in interstate commerce every day such as food and other supplies produced outside the State of New York.

11. From approximately August 22, 2016 until on or about October 25, 2017, I observed that Red Hook Gourmet Deli did a level of business such that it had annual sales of at least \$500,000.

12. Throughout my employment with Defendants, I regularly worked in excess of 40 hours per week.

13. From approximately August 22, 2016 until on or about August 2017, I worked from approximately 12:00 p.m. until on or about 12:00 a.m. seven days a week (typically 84 hours per week).

14. From approximately September 2017 until on or about October 25, 2017, I worked from approximately 3:00 p.m. until on or about 12:00 a.m. seven days a week (typically 63 hours per week).

15. Throughout my employment with the Defendants, I was paid my wages in cash.

16. From approximately August 2016 until on or about August 2017, I was paid a fixed salary of \$1008 per week (\$12 per scheduled hour).

17. From approximately September 2017 until on or about October 25, 2017, I was paid a fixed salary of \$756 per week (\$12 per scheduled hour).

18. My wages did not vary regardless of how many hours I worked.

19. For example, Defendants required me to work an additional 15 to 30 minutes past his scheduled departure time two or three days a week, and did not pay me for the additional time I worked.

20. Defendants never granted me a meal break or rest period of any kind.

21. I was not required to track my time by using a clock-in system, time sheet, punch cards, or any other method.

22. During my employment, Defendants did not post or maintain any posters or state or federal notices with information about the minimum wage and overtime laws on the premises of Red Hook Gourmet Deli.

23. I was never provided with any document that reflected the hours I worked (either daily, weekly, or by any other measure), my hourly rate of pay, overtime, or any other record or report regarding my pay, hours worked, or any deductions or credits taken against my wages.

24. Throughout my employment with Defendants, I was never provided with written information, in English and Spanish (my primary language), regarding minimum wage and overtime requirements under New York State or Federal laws.

25. I never received overtime pay (at time and a half) for hours worked in excess of forty (40) hours per week.

26. I remain unpaid for minimum wage and overtime compensation.

27. I respectfully submit this declaration in support of my motion for default judgment against Defendants Red Hook Deli and Grocery 2015 Corp. (d/b/a Red Hook Gourmet Deli), Salal Sahid, and Wessein Sahid.

28. This document has been translated to me in my native language of Spanish, and I fully comprehend the contents. ("Este documento ha sido traducido al Español, mi primer idioma, y yo comprendo todos los términos.").

29. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

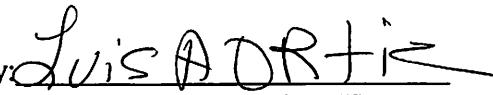
Executed: New York, NY
April 30, 2018


Luis Antonio Ortiz

VERIFICATION

I, LUIS ANTONIO ORTIZ, verify under penalty of perjury under the laws of the United States of America and New York that the foregoing facts and statements are true and correct to the best of my knowledge.

Date: April 30, 2018

By: 
LUIS ANTONIO ORTIZ